

International Legal Exchange Program (ILEX) 1985-1986

The international “exchange” idea for the legal profession was first implemented on an ad hoc basis by the Section of International Law in the mid-1960s. In 1968 the American Bar Association (ABA) established a policy for a continuing program to involve members of the United States legal profession in activities related to international exchange and training in the United States and abroad.

In 1969 the U.S. Department of State officially recognized the ABA Exchange-Visitor Program, and the ABA was designated a sponsor organization within the terms of the Mutual Educational and Cultural Exchange Act. In August of 1979 the administration of the International Legal Exchange (ILEX) Program was transferred from a joint committee of the Association to the Section of International Law and Practice.

ILEX provides a service to the ABA, the legal profession, the U.S. Government, international organizations, and foreign bar associations. The program is designed to enhance American lawyers’ understanding of judicial procedures and legal practices in foreign countries and to acquaint foreign attorneys and judges with the U.S. court system and legal practices.

Summary of Activities

The ILEX programs during the past year were:

1. *Individual Placements.* ILEX has arranged, or is in the process of arranging, fifteen placements of foreign lawyers in U.S. law offices and U.S. lawyers overseas. These placements, which normally last three to

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six months, are intended to provide the participant valuable exposure to the legal and judicial systems of the host nation.

2. *ILEX Overseas Briefing Trips.* A two-week briefing program in *Scandinavia* examined the legal and judicial systems in Denmark, Finland, Norway, and Sweden and focused especially on commercial and trade relations between those countries and the United States. The delegation included twenty participants from five states, Bermuda, and Mexico.

3. *Upcoming Briefing Trips.* A briefing trip to Argentina, Brazil, and Uruguay will take place May 1-19, 1987. The delegation will visit Buenos Aires in conjunction with the Annual Meeting of the Inter-American Bar Association. The IABA has arranged a detailed substantive program for all ILEX participants. In Brazil and Uruguay, as well as in Argentina, there will be briefings by top level lawyers, government officials, judges, and law professors, as well as by representatives of the business, trade, and financial communities.

An ILEX trip has been proposed for the Fall of 1987 to *Australia* and *New Zealand*. This trip would take place in conjunction with the 1987 Law Council of Australia Convention to be held in Perth from September 20-25 and the New Zealand Law Conference to be held in Christchurch from October 1 to October 5.

A briefing trip to *Japan* is tentatively planned for the Spring of 1988. This briefing trip should be especially timely because of the importance of trade relations between Japan and the United States and the issues surrounding the practice of foreign lawyers in Japan.

4. *U.S. Programs.* In October of 1985 ILEX hosted a five-person delegation from the China Law Society of the People's Republic of China on their visit to the United States. The delegation included Liang Wenying, Vice President of the China Law Society, the Deputy Secretary General, the Deputy Director of the Research Department, and the Chief of the International Liaison Department of the China Law Society, and the Executive Vice President of the Hebei Province Law Society. The delegation had briefings in San Francisco, Chicago, New York, and Washington, D.C. A reciprocal visit by the ABA to the People's Republic of China takes place in October of this year.

ILEX arranged a two-week program for Amphon Na Takuathung, Chief Justice of the Central Tax Court of Thailand, and Krongkiet Khomson, Secretary of the Court, at the request of the United States Information Agency. Thailand is considering establishing a separate Tax Court modeled after the United States system. The ILEX program was arranged in cooperation with the Administrator of the United States Tax Court.

ILEX was responsible for arranging a six-month program for Yasuo Shionoya, ranking official from the Ministry of Justice in Japan. Mr. Shionoya's program concentrated on recent trends in criminal justice in the

United States with special reference to the investigation, prosecution, and trial of organized crime cases, especially those involving drug trafficking.

ILEX also arranged a three-week program for Mr. Hani Hussein Al-Aifai, Judge of the Court of Cassation in Jordan. Jordan is contemplating setting up an independent administrative law judiciary/hearing examiner system since it presently has no administrative judicial system. That country is also contemplating the codification of a modern and extensive arbitration system.

5. *Miscellaneous.* The ILEX office continues to meet with individual lawyers from all over the world sent to ILEX from USIA, the Department of State, and private program agencies, as well as from the ABA headquarters in Chicago. These individuals normally are interested in discussing the operation of the judicial system in the United States, how the private practice of law here differs from their country, and the workings of the ABA.

Conclusions

An increasingly strong ILEX program can play an important part of ABA's Goal VIII: to advance the rule of law in the world and, more specifically, to "maintain relations and further cooperation with other professional organizations, including foreign and international bar associations" and to "facilitate professional contacts among American and foreign lawyers." ILEX should continue to enhance an awareness and understanding of differing national legal systems and policies in an increasingly interdependent world.

